

**Communication : C 7**  
**Committee of the Whole (1)**  
**January 18, 2022**  
**Agenda Item # 3**

January 17, 2022

**By E-Mail Only to *clerks@vaughan.ca***

His Worship Mayor Maurizio Bevilacqua and Members of Council  
The Corporation of the City of Vaughan  
2141 Major Mackenzie Drive  
Vaughan, Ontario L6A 1T1

***Attention: Todd Coles, City Clerk***

Your Worship and Members of Council:

**Re: Committee of the Whole, January 18, 2022**  
**City-Wide Comprehensive Zoning By-law 001-2021 (the “New ZBL”)**  
**Transition Provision Amendments, File No. Z.21.052**  
**Inconsistencies and Administrative Amendments**  
**Submission of 3911 Teston Road Inc. (the “Company”)**

We are counsel to the Company, the owner of the property located near the southwest corner of Teston Road and Weston Road, municipally known as 3911 Teston Road.

The Company is an Appellant in the Ontario Land Tribunal proceeding concerning the New ZBL.

On behalf of the Company, we have reviewed the proposed modifications to the New ZBL, as contained in two separate Staff Reports dated January 18, 2022, respectively addressing transition provisions and technical revisions.

The purpose of this letter is to express our client’s concern regarding the proposed revisions to the transitional provisions of the New ZBL (the “**Proposed Amendments**”).

Our client’s concerns regarding the Proposed Amendments relate to its in-process zoning by-law, official plan and subdivision approval applications which were deemed complete on May 19, 2021. Our client is also concerned about the treatment of its in-process site plan application which was filed after October 20, 2021. Lastly, our client is concerned that the Proposed Amendments still impose a 10 year time limit on transition rights.

## **Zoning By-law Amendments and Concurrent Applications**

The proposed changes in s. 1.6.3.3.1 do not clarify whether a zoning by-law amendment deemed complete as of October 20, 2021 would amend Zoning By-law 1-88 (the “**Former ZBL**”), the New ZBL, or both.

If the intent is to amend the Former ZBL, there is a conflict with the Preamble to the transition provisions, which indicates that assessments of transition issues will be determined under the Former ZBL “as it read on October 20, 2021”, which would negate an approval obtained after that date.

There seems to be an intent to allow certain applications that implement a zoning by-law amendment filed on or before October 20, 2021, but not yet approved, to be assessed under the Former ZBL (see s. 1.6.3.3.2). However, that flexibility does not apply where a related application is filed concurrently with a zoning by-law amendment application prior to October 20, 2021, as is the case here, but it should.

The flexibility afforded by s. 1.6.3.3.2 is ultimately negated by the requirement to comply with the Former ZBL “as it read on October 20, 2021”. While such limiting language is present, it is not clear that our client’s site plan application would be transitioned.

Section 1.6.3.3.5, which allows for approval of applications filed on or before October 20, 2021, omits Official Plan and Site Plan approvals, which should be included, and is also affected by the “as it read on October 20, 2021” issue.

## **Ten Year Time Limit**

The proposed revisions in s. 1.6.4.2, which as written repeals the transition provisions of the New ZBL after 10 years, do not address the fundamental problem of indeterminate liability for property owners, and are arbitrary. Our client urges the City to adopt a more measured approach by converting the 10 year sunset date to a *review* of the transition provisions in 10 years.

## Conclusion

We thank you for the opportunity to provide comments and kindly request confirmation of receipt of these written submissions, along with, notice of all future steps in this matter.

Yours sincerely,

**DAVIES HOWE LLP**



Michael Melling

MWM: al

copy: Ms. Wendy Law, Deputy City Manager, Legal and Administrative Services, and City Solicitor  
Ms. Caterina Facciolo, Deputy City Solicitor, Planning and Real Estate  
Ms. Candace Tashos, Legal Counsel  
Mr. Nick Spensieri, City Manager  
Mr. Haiqing Xu, Deputy City Manager, Planning and Growth Management  
Mr. Brandon Correia, Manager of Special Projects, Planning and Growth Management  
Mr. Elvio Valente, Building Standards, Manager, Zoning Services and Zoning Administrator